

**ANDOVER CONSERVATION COMMISSION MEETING MINUTES
DECEMBER 3, 2103**

Town of Andover
36 Bartlet Street
3rd Floor Conference Room
7:45pm

Conservation Members in Attendance:

Commissioner Kevin Porter, Commissioner Phil Sutherland(Acting Chairman), Commissioner Alix Driscoll, Commissioner Floyd Greenwood and Commissioner Jon Honea. Staff members present were Robert Douglas, Director of Conservation and Linda Cleary, Conservation Agent.

SCHEDULED ITEMS:

8 Island Way

Present in Interest: Lorraine Luber

Staff Recommendation: Approve as Neg.3 with conditions.

Public Hearing on a Request for Determination of Applicability filed by Lorraine Luber under the Massachusetts Wetlands Protection Act, and/or Andover Wetlands Protection By-Law for the proposed repair of existing stairs and removal of existing deck at 8 Island Way.

Agent Cleary presented this to the Commission. The filing is under the WPA only. The work is greater than 50 feet from the BVW. The work is limited to only the removal and replacement in kind of existing stairs and removal of existing deck.

Commissioner Sutherland asked for a Motion. Commissioner Driscoll made a Motion to Approve as Neg. 3 with conditions; it was seconded by Commissioner Honea and unanimously approved.

21 River Street

Present in Interest: Bill MacLeod

Staff Recommendation: Continue to a date uncertain.

Continued Public Hearing on a Notice of Intent filed by 607 Turnpike, LLC, under the Massachusetts Wetlands Protection Act and/or the Andover Wetlands Protection By-Law, for the

proposed construction of a single family dwelling, driveway, grading and utilities at 21 River Street.

Agent Cleary presented this to the Commission. This was continued from November 5, 2013 for purposes of a revised plan moving Riverfront Flag R3 upgradient 6 feet and for the Applicant to address DEP and Commission comments relative to 10.58 (4)(d)1, providing 100 feet of undisturbed area and work within permittable thresholds of disturbance. The filing is complete under both the WPA and the By-Law. The Notice of Intent has been revised to not record the subdivision plan at the time of the filing, but look at the original lot to be divided in its entirety. The Applicant now has a threshold of disturbance of 10% or 5,000 square feet, whichever is greater. This application exceeds the 10%, but not the 5,000 square feet of disturbance. Staff recommends the applicant adhere to the 100 foot area of undisturbed vegetation on the entire lot. Mitigation plantings are proposed, however the 100 feet of undisturbed vegetation is not being met.

Mr. MacLeod presented the revised plan to the Commission. There will be a historic preservation restriction placed on the existing house and the new construction will be reviewed by the Historic Preservation Commission. The shape, location and size of the house have already been reduced because of the Preservation Commission review. There is a section of lawn area to be allowed to naturalize. He believes that existing lawn should not be removed to meet 100 foot undisturbed area. Existing lawn can be considered undisturbed vegetation. Agent Cleary stated that DEP does NOT consider lawn to be a degraded area and cannot be considered undisturbed vegetation.

Mr. MacLeod asked for the opportunity to speak with DEP regarding the 100 foot undisturbed area.

Commissioner Greenwood requested a site visit. The site visit was scheduled for December 7, 2013 at 8:00am.

Commissioner Sutherland asked for a Motion. Commissioner Driscoll made a Motion to continue to January 21, 2013; it was seconded by Commissioner Honea and unanimously approved.

165 Haverhill Street

Present in Interest: Paul Marchionda, Rick Feldman and Domenic Terranova

Staff Recommendation: Continue to a Date Uncertain.

Public Hearing on a Notice of Intent filed by The Merrimack Valley Young Men's Christian Association, Inc., under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of an addition, remodeling and additional parking at 165 Haverhill Street.

Mr. Douglas presented this to the Commission. This project involves considerable construction at the YMCA, the majority of which is a good distance from the resource areas. The most sensitive portion of the work proposed is within 30 feet of an intermittent stream and a parking area 50 feet from the stream. DEP is still reviewing the application and has not issued comments yet. The stormwater review is being done by CEI for the Planning Board. Staff will request CEI come before the Commission with their report.

Paul Marchionda presented the plan and project to the Commission. A portion of the existing building will be removed and there will be 2 additions to the remaining building. The front parking lot will remain with improved stormwater drainage and two additional parking lots added as well as a fire access road around the building. An ORAD was issued in 2011 to delineate the wetlands on site. There will be a large underground detention area which will provide recharge to meet the stormwater standards. The existing runoff is basically untreated and this project will use a separator and treatment within the new catch basins to improve the water quality.

Commissioner Porter inquired as to the volume of water to be held in the detention area and how it would reduce the flooding that takes place in this area. The underground detention area will fill with water and slowly releases the water underground to reduce the risk of flooding. The peak runoff is being reduced in all storm events.

Commissioner Greenwood questioned an 8" pipe with water flowing near the entrance to the YMCA.

Attorney Terranova was representing Andover Gardens Condominiums. He is concerned with the areas used for snow storage which could cause flooding when melting begins. Mr. Marchionda agreed to place signage in the parking area where snow should NOT be stored and will add placement of such signs to the plans.

Commissioner Sutherland asked for a Motion. Commissioner Driscoll made a Motion to continue to January 21, 2014 for DEP comments, site visit, peer review comments, peer reviewer to attend a meeting and snow storage on revised plans; it was seconded by Commissioner Honea and unanimously approved.

5 Courtney Lane

Present in Interest: Bill MacLeod

Staff Recommendation: Continue to date uncertain.

Public Hearing on a Notice of Intent filed by Carolina Properties, LLC, under the Massachusetts Wetlands Protection Act and/or Andover Wetlands Protection By-Law for the proposed construction of a single family dwelling with appurtenant driveway, lot grading and utilities at 5 Courtney Lane

Agent Cleary presented this to the Commission. This filing is in the Riverfront Area and under both the WPA and By-Law. The concerns for staff are as follows:

No location for stockpiling;

Distinct barrier such as stockade fence to define the no disturb zone;

Constructability issues, structure close to limit of work.

Engineer must address the stockpiling concerns and constructability issues, proving that this can be done and in compliance with the Order of Conditions and can be maintained in compliance.

DEP has not issued comments yet. Site visit was scheduled for December 7, 2013 at 8:30am.

Mr. MacLeod presented the project to the Commission. The proposed house will have a walkout basement and the foundation wall for the garage will only be 4 feet, not 8 feet. There will be no excavation for the garage. The builder is considering constructing the garage first, then placing the material from the cellar hole to fill in the garage and the front of the lot. The lot complies with the 100 feet setback and the disturbance is less than 5,000 square feet. The no disturb area is not densely wooded or heavily brushed, so the homeowner will be able to walk around the outside of the home. NDZ markers will be installed.

Staff recommends a distinct, permanent barrier be placed along the NDZ so that lawn is not extended. Mr. MacLeod agreed that a post and rail fence would be appropriate as not to interfere with the view of the property.

Site visit was scheduled for December 7, 2013 at 8:30am.

Staff would like to have all materials and debris trucked off site, no stockpiling on site.

Applicant to provide letter regarding stockpiling and addressing constructability issues.

Commissioner Sutherland asked for a Motion. Commissioner Driscoll made a Motion to continue to January 21, 2014; it was seconded by Commissioner Greenwood and unanimously approved.

ACTION ITEMS:

Rolling Green

Staff Recommendation: Table

Approval and Acceptance of Open Space Deed.

Commissioner Honea made a Motion to Table; it was seconded by Commissioner Porter and unanimously approved.

13 Samos Lane

Present in Interest: Chris Sciacca

Staff Recommendation: Insignificant.

Minor modification to the Determination of Applicability, including fencing on rear of property and relocation of deck stairs. Non-disturb bounds must be installed 15 feet off Flags 2A, 4A, 7A, between 8A & 9A and 10A prior to commencement of work.

Commissioner Honea made a Motion to find the work Insignificant; it was seconded by Commissioner Driscoll and unanimously approved.

CONSENT AGENDA:

Minutes

Approval of Minutes from November 17, 2013 Meeting.

174 Holt Road

Issuance of a Certificate of Compliance.

Commissioner Driscoll made a Motion to Approve the Consent Agenda; it was seconded by Commissioner Honea and unanimously approved.

LATE/DISCUSSION ITEMS THAT MAY REQUIRE A VOTE:

30 Lowell Junction Road

Vote to rescind the Enforcement Order.

Commissioner Porter made a Motion to rescind the Enforcement Order and take no further action; it was seconded by Commissioner Driscoll and unanimously approved.

Stouffer Circle Trails

Present in Interest: Robert DeCelle, Andy Menezes, Al French and Bill Hirsch

Discussion of one year moratorium on trail development at Stouffer Circle. The neighbors are concerned with the overflow parking from the ball fields and would like a one year moratorium to monitor the parking situation through the spring and fall of next year.

Allen French spoke on behalf of the Andover Trails Committee and asked that trail planning still be allowed even with the moratorium in place.

Bill Hirsch inquired as to the purpose of the trail.

Commissioner Porter informed the audience that parking is not a conservation matter and will need to be addressed by the Town.

Staff advised the Commission that 9 Stouffer Circle is currently for sale and the boundaries of the conservation property should be marked as soon as possible. Mr. Decelle stated that the

neighbors have encroached onto the strip of conservation land, so the installation of markers would be helpful to everyone.

Commissioner Greenwood made a Motion to approve the one year moratorium for trail building effective November 7, 2013 and the property boundaries are to be marked; it was seconded by Commissioner Driscoll and unanimously approved.

4 and 6 Lavender Hill Lane

Photos which are a few years old received from abutters showing standing water on lots.

Overseer Appointment

Discussion of appointment of Paul Stevens as an overseer. Staff to forward to Town Manager for approval.

178 Jenkins Road

Ratification of Emergency Certification for failed septic.

Commissioner Honea made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

350 Lowell Street

Present in Interest: Paul Finger and Don Thompson

Ratification of Emergency Certification for seized valve in sewer line.

Commissioner Honea made a Motion to Ratify the Emergency Certification; it was seconded by Commissioner Driscoll and unanimously approved.

The next meeting will be held December 17, 2013 at 7:45pm.

The meeting was adjourned at 9:37pm by Motion of Commissioner Honea and seconded by Commissioner Porter and unanimously approved.

Respectfully submitted by,

**Lynn Viselli,
Recording Secretary**